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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

HOGAN *et al.*

Serial No. 08/454,529

Filed: May 30, 1995

For: METHODS FOR DETERMINING
THE PRESENCE OF NON-VIRAL
ORGANISMS IN A SAMPLE

) Group Art Unit: 1631

) Examiner: Marschel, A.

) Atty. Docket No. GP004-16.DV4

A34

Plunkett
8/31/01

TERMINAL DISCLAIMER

Commissioner for Patents
Washington, D.C. 20231

08/30/2001 SZEWDIE1 00000003 070035 08/454529

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Sir:

Gen-Probe Incorporated, the owner of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent Nos. 5,547,842, 5,593,841, 5,595,874, 5,674,684, 5,677,127, 5,677,128, 5,677,129, 5,679,520, 5,683,876, 5,691,149, 5,693,468, 5,693,469, 5,714,321, 5,958,679 and 5,994,059. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent Nos. 5,547,842, 5,593,841, 5,595,874, 5,674,684, 5,677,127, 5,677,128, 5,677,129, 5,679,520, 5,683,876, 5,691,149, 5,693,468, 5,693,469, 5,714,321, 5,958,679 and 5,994,059 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 5,547,842, 5,593,841, 5,595,874, 5,674,684, 5,677,127, 5,677,128, 5,677,129, 5,679,520, 5,683,876, 5,691,149, 5,693,468,

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5,693,469, 5,714,321, 5,958,679 or 5,994,059, as presently shortened by a terminal disclaimer, in the event that U.S. Patent No. 5,547,842, 5,593,841, 5,595,874, 5,674,684, 5,677,127, 5,677,128, 5,677,129, 5,679,520, 5,683,876, 5,691,149, 5,693,468, 5,693,469, 5,714,321, 5,958,679 or 5,994,059 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Please charge the fee due under 37 C.F.R. § 1.20(d), and any other fee which may be due in connection with this Terminal Disclaimer, to Deposit Account No. 07-0835.

Certificate of Mailing

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being deposited on the date indicated below with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, Washington, D.C. 20231.

Respectfully submitted,

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